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In re Application of
Kluge et al.
Application No.: 10/593,986
PCT No.: PCT/EP05/03080
Int. Filing Date: 23 March 2005
Priority Date: 27 March 2004
Attorney Docket No.: UMICORE 0175-US
For: Nitrogen Oxide Storage Material And Nitrogen
Oxide Storage Catalyst Produced Therefrom

DECISION

This is in response to the "Request For Reconsideration Under 37 CFR 1.182" filed on 25 September 2008.

DISCUSSION

In a Decision mailed on 27 March 2008, it was indicated that

...petitioner has provided a "Declaration of Juliane Kluge" in which Ms. Kluge explains her name change due to marriage. In view of her explanation, it would be appropriate to accept her name as Kluge on an acceptable declaration of inventorship.

The instant petition is accompanied by a new declaration of inventorship. Review of that declaration reveals that it names only inventors Kluge and Kogel, rather than the entire inventive entity. Attention is drawn to MPEP 201.03, which explains in part that "An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity." The declaration filed on 19 March 2008 is defective in view of this policy, because it fails to nominate the entire inventive entity. In order for the petition to be granted, an acceptable declaration document is required.

In response, petitioner has filed *inter alia* a newly executed declaration which names and has been executed by the entire inventive entity. The name Juliane KLUGE is accepted in lieu of "THEIS, Juliane" nominated in the published international application for the reasons described in the Decision mailed on 27 March 2008. Therefore, the declaration filed on 25 September 2008 is accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 September 2008**.

/George Dombroske/
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